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IAB # SH2319772

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761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: July 31, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2319772/IV2338282
Incident:	Non-Hit Shooting
Incident Date:	August 31, 2012
Unit:	Operation Safe Streets
Suspects:	Brandon E. Kiper, MB/03-28-85 Jamar D. Kiper, MB/07-24-77
Involved Employee:	Deputy Raul Magadan, #[redacted]
EFRC Date:	July 25, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies were driving northbound on Wilmington Avenue passing Maple Street, patrolling the area. As they looked westbound Maple Street, a known gang area, they saw three male blacks standing in the middle of Maple Street. The deputies made a U-turn to drive westbound on Maple Street toward the male blacks.

As they approached the group, a suspect looked at the approaching radio car, grabbed his waistband, and walked through a small gate at the driveway entrance on West Maple Street.

The deputies stopped their radio car facing westbound on the south side of the street, just slightly east of the driveway entrance. The deputies exited the radio car, entered the driveway, and ordered the suspect to show his hands. The suspect quickly walked southbound along the driver's side of a blue 2003 Ford Expedition, which was parked in the driveway, and crouched down in front of the vehicle. The deputy heard the sound of metal, and what he believed was a weapon being discarded by the suspect. The deputy backed northbound down the driveway and walked toward the rear of the Expedition, and positioned himself on the passenger side of the Expedition utilizing the vehicle as cover.

As the deputy moved toward the passenger's side, he saw another suspect standing at the front of the Expedition closer to the passenger side. The deputy ordered both suspects to show their hands. One suspect stood up and complied, but the other suspect refused and kept his hands near his waistband while moving eastbound in front of the Expedition. The suspect then yelled, "Fuck it," and dove toward the area where the first suspect had discarded a weapon. The deputy heard metal scraping on the ground when the suspect reemerged from in front of the Expedition and moved toward the driver's side, where the other deputy was positioned. Believing the suspect had armed himself, the deputy fired two rounds through the passenger side window of the Expedition at the suspect missing him. Both suspects were taken into custody.

A "Glock" handgun, loaded with seven live rounds, was recovered from the front of the Expedition where the deputy heard the suspect discard the weapon. A second weapon, "Colt" .45 caliber handgun, loaded with seven live rounds, was recovered to the east of the Expedition between two trash cans in the side yard approximately four feet from where the second suspect reemerged from in front of the Expedition.

The EFRC determined the force used against the uncooperative and armed suspects was reasonable and justified. The EFRC also determined the tactics used were within Department policy.

Although the force and tactics of this incident were deemed within policy, the EFRC deemed as **Founded** the allegation that Deputy Raul Magadan #[redacted] was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/030.10, Obedience to Laws, Regulations, and Orders [specifically pertaining to, 3-03/210.05, revolvers/Semi-Automatic Pistols (on and off duty)], on or about August 31, 2012, while on duty, Subject Magadan failed to conform to the regulations established for personnel who carry weapons other than those issued

by the Department when he had in his possession, and/or used a "Sig Sauer" 9mm handgun without attending, and/or satisfactorily completing, the Department's authorized training for this specific weapon.

RECOMMENDATIONS:

The EFRC recommended Deputy Raul Magadan #[redacted] receiving a **written reprimand**, and attend the eight-hour Tactics and Survival training (TAS-I), and the eight-hour LIFE class. Additionally, the EFRC recommended [redacted] #[redacted] attend the eight-hour Tactics and Survival training (TAS-I), and the unit commander, Captain Robert M. Rifkin, conduct a tactical debriefing regarding the unique circumstances of this incident.

Lastly, the EFRC recommended Field Operations Support Services (FOSS) distribute briefing material Department wide regarding the issue of "Protective Sweeps."

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 15, 2013
FILE: IV 2338282

OFFICE CORRESPONDENCE

FROM: ROBERT M. RIFKIN, CAPTAIN
OPERATION SAFE STREETS BUREAU

TO: RAUL MAGADAN, DEPUTY
OPERATION SAFE STREETS BUREAU

SUBJECT: **WRITTEN REPRIMAND**

An investigation under file number IAB IV#2338282, coupled with your own statements, has established the following:

On August 30, 2012, you violated Department policy when it was discovered you were on-duty carrying a Department authorized handgun, but prior to attending the mandated training for the weapon. Your actions were in violation of the Daprtment's Manual of Policy and Procedures, Section 3-03/210.05 REVOLVERS/SEMI-AUTOMATIC PISTOLS (ON AND OFF DUTY). You are hereby reprimanded and advised that future similar conduct may result in more serious discipline.

Captain Robert Rifkin

8/16/13
Date

Deputy Raul Magadan #[redacted]

08/21/2013
Date

Lieutenant Richard Westin

8/21/13
Date